THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.887 of 2007

Date:22.01.2007

Between:

M.A.Maazid

PETITIONER

AND

The Assistant Divisional Engineer and another.

---------RESPONDENTS

ORDER:

The petitioner assails the action of the respondents in disconnecting the power supply to service connection No.19 of Ogipur Village, Tandur Mandal.

The petitioner states that one Sri P.Basanna was provided the supply through service connection No.19 to run an industry of stone excavation and polishing. The initial capacity was 25 H.P. and it was enhanced to 75 H.P. According to the petitioner, Sri P.Basanna agreed to transfer the service connection in his favour and accordingly, an application was made in the prescribed form, together with the affidavits of both the persons. A sum of Rs.7,500/- is said to have been paid on 17.01.2001 towards shifting charges and that it has since been shifted. It is also stated that the arrears to the tune of Rs.1,67,768/- were permitted to be paid in six instalments and that he cleared the third instalment also. His grievance is that the respondents disrupted the power supply on 09.01.2007, without any prior notice or basis.

Sri B.Lingayya Chowdary, the learned counsel for the petitioner submits that there was absolutely no basis for the respondents to disconnect the power supply and that on account of such high-handed

action, the petitioner is put to serious hardship.

At the admission stage, the learned standing counsel for the respondents was directed to obtain necessary instructions. After hearing the matter at some length on 18.01.2007, this Court directed production of records in relation to service connection No.19.

The learned standing counsel for the respondents submits that service connection No.19 stands, even as on today, in the name of the original consumer i.e. Sri P.Basanna and that the said Basanna filed a representation, dated 05.01.2007, requesting the respondents to disconnect the power supply. The amount of Rs.7,500/- deposited on 17.01.2001 is said to be towards enhancement of capacity from 25 H.P. to 75 H.P. and that no transfer has been taken place, as yet.

The petitioner is not able to place any material before this Court to disclose that he is the consumer of service connection No.19. Various proceedings and receipts for payment of charges of different amounts are in the name of Sri P.Basanna. Though an attempt is made to convince this Court that direction for shifting the metre was issued by the Assistant Divisional Engineer on 17.01.2001, it becomes evident that neither any order to that effect was passed nor any consequential action was taken. The receipts for payment of instalments as late as on 08.01.2007 do not disclose that any transfer of service connection has taken place in favour of the petitioner. When the registered consumer himself sought for disconnection of power supply, the petitioner cannot have any complaint against the respondents.

If the petitioner had any grievance or rights vis-à-vis Sri P.Basanna, he has to work out the same separately. This Court is not inclined to grant any relief to the petitioner.

The writ petition is accordingly dismissed, leaving it open to the

petitioner to work out his remedies. It shall also be open to the petitioner to make fresh application to the respondents for power supply. As and when it is made, the respondents shall process the same and take appropriate action immediately. There shall be no order as to costs.

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22.01.2007

kdl